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ABSTRACT

Criminologists and gerontologists have reported increases in crimes perpetrated by elderly persons, but arrest data do not necessarily reflect this trend, due to failure to prosecute. To explore the influence of age, sex, race, and offense type on arrest and prosecution outcomes, Detroit Police Department arrest and case disposition data (1981), arrest outcomes, and conviction rates for a stratified elderly offender sample (N=571) were compared. Generally, dismissal rates among the elderly offender sample for all Part I offenses suggest the younger elderly, 55 to 59, have a higher dismissal rate than the older elderly, 65 and over. However, rates of dismissal for violent crimes among the elderly groups remain fairly stable--at a high rate. Dismissal rates for property offenses tend to decrease with advancing age. Factors such as race and sex appear to play a major role in case dismissals. Data on conviction rates for the elderly offender sample indicate that once the decision to prosecute the offender has been made, elderly suspects are more likely than younger offenders aged 17 to 21, or 35 to 44, to be convicted and sentenced to jail. (Author/JAC)

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THE ELDERLY OFFENDER:

FACTORS THAT INFLUENCE PROSECUTION OUTCOMES

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THE ELDERLY OFFENDER:

FACTORS THAT INFLUENCE PROSECUTION OUTCOMES

ABSTRACT

This paper explores the influence age, sex, race, and offense type had on arrest and prosecution outcomes. Using Detroit Police Department arrest and case disposition data (1981), arrest outcomes and conviction rates for a stratified elderly offender sample (N = 571) were compared.

Generally, dismissal rates among the elderly offender sample for all Part I offenses suggest the younger elderly, 55 to 59, have a higher dismissal rate than the older elderly, 65 and over. However, rates of dismissal for violent crimes among the elderly groups remain fairly stable--at a high rate. Dismissal rates for property offenses tend to decrease with advancing age. Factors such as race and sex appear to play a major role in case dismissals. Data on conviction rates for the elderly offender sample indicate that once the decision to prosecute the offender had been made, elderly suspects are more likely to be convicted and sentenced to jail or prison than younger offenders aged 17 to 21, or 35 to 44.

THE ELDERLY OFFENDER:

FACTORS THAT INFLUENCE PROSECUTION OUTCOMES

Recently, criminologists and gerontologists have reported increases in crimes perpetrated by elderly persons in the United States (Shickor and Kobrin, 1978; Fienburg, 1983; Newman and Gerwirtz, 1984; Bachand, 1984a). For example, one study revealed that arrests for serious offenses among persons aged 65 plus increased 100 percent from 1971 to 1980, while their relative portion in the population increased only 22.2 percent (Bachand, 1984b). According to the FBI's Uniform Crime Reports, over 378,000 older Americans were formally arrested for law violations in 1980 (UCR, 1980). It is important to note that arrest data is not necessarily an accurate reflection of a particular age group's involvement in criminal activity. For example, a person could be observed shoplifting, be arrested, and then be warned and released prior to formally being charged with a crime. Although technically arrested, the fact that the case was disposed of "informally" most often would result in the arrest not being officially recorded as an arrest statistic. Thus, if a particular age group was afforded lenient treatment by the police during the arrest phase of the criminal justice process, it would result in deflated arrest statistics for that age group of offenders. There is evidence that both the police and store security personnel afford elderly persons lenient or preferential treatment in arrest situations. For example, Bachand (1984c) found in his research that:

1. Elderly offenders will be arrested less often for law violations if their criminal activity is concentrated in less serious crime categories. (Exception: drunken driving offenses)

2. The elderly offender's age, combined with a respectful attitude toward the police, will result in lower arrest rates than younger offenders.

3. Elderly shoplifters will be arrested less often

because store security personnel generally do not consider elderly persons as prime candidates for theft of goods and materials.

However, the purpose of this paper is not to debate whether it is "good" or "bad" to afford elderly persons lenient or preferential treatment in arrest situations. Rather, this paper will examine whether advancing age influences decisions to prosecute elderly offenders, once the decision to formally arrest the person has been made.

Social Setting (Detroit, Michigan)

The City of Detroit and the Detroit Police Department were selected as the major participants in this study for the following reasons:

1. The Detroit Police Department maintains on computer file detailed arrest and case disposition data, including age, sex, and race of the offender.

2. The 1981 arrest data for persons aged 55 plus (N = 571) provide a sufficient sample both in terms of numbers and range of offenses (Part I and Part II) to allow for comparison within a stratified elderly offender population, i.e., 55 to 59, 60 to 64, and 65 plus.

3. All study suspects would have been arrested, prosecuted, and sentenced in the same court jurisdiction. Therefore, the criminal processing outcomes would not be subject to variances in prosecution priorities and sentencing practices that may differ in other less populated jurisdictions within the state.

4. A complete printout of the arrest and case disposition data needed for this study was requested, approved, and provided by Chief of Police, William L. Hart.

The City of Detroit has over 262,000 residents aged 55 plus or approximately 14.8 percent of the total Michigan population within this age group. By comparison, the elderly (55 plus) constitute 19.2 percent of the total Michigan population and slightly over 22 percent in Detroit (see Table 2). A comparison of arrests of elderly persons (Michigan versus Detroit) reveals the following:

- Overall, arrest rates for the elderly (1981) in Detroit, are lower than state-wide arrest rates Detroiters aged 55 plus represent 19.2 percent

of the state's population and only 13.6 percent of the total arrests in this age group (see Table 1).

- Note: Detroit arrest data include those non-Detroit elderly persons who perpetrate crimes in Detroit. However, the Detroit data do not include Detroit residents who commit crimes outside the City of Detroit.

- For Part I offenses, Detroit accounted for a disproportionate share of arrests for violent crimes, 39.4 percent, compared to 12.6 percent of all property offenses. Overall, Detroit arrests constitute 17.9 percent of all Part I arrests made in Michigan.

- Detroit arrests accounted for 62.2 percent of all (state-wide) arrests for homicide, 52.3 percent for rape, and 36.8 percent of aggravated assault.

- Arrests for Part II offenses indicate that disproportionate numbers of elderly are arrested for weapons, sex offenses, and stolen property compared to state-wide arrest data (see Table 1). The crimes the (Detroit) elderly are most frequently arrested for are drunken driving, larceny, and aggravated assault.

The arrest data thus far suggest that the arrest rates among the elderly in Detroit are somewhat lower overall when compared to their numerical representation within the population. However, specific arrest categories, i.e., violent crimes, weapons, and sex offenses, appear to be over-represented in the urban elderly arrest data, at least for 1981. During the ten-year period 1972 to 1981, trends in arrests among the aged in Michigan and Detroit reveal some consistency at least for total Part I offenses. The comparison data reveal the following trends:

- Arrests for Part I offenses in Michigan and Detroit increased 199.4 percent in the former and 214.5 percent in the latter.

- Among specific Part I offenses in Michigan, the greatest numerical increases occurred in the offenses of larceny, burglary, and aggravated assault, respectively.

- Similarly in Detroit, larceny and aggravated assault showed substantial increases while arrests for burglary remained relatively stable when com-

pared with state-wide increases (see Table 3).

- Arrests for Part II offenses over the ten-year period decreased 5.4 percent for Michigan compared to a decrease of 52.9 percent in Detroit.

- In both cases, the majority of the decrease can be attributed to the decriminalization of public drunkenness and related crimes, i.e., disorderly conduct and vagrancy.

- In Michigan the significant numerical arrest increases involved liquor law violations (other than public drunkenness), drunken driving, disorderly conduct, drug abuse violations, and vandalism.

- Note: It appears that law enforcement agencies outside the City of Detroit have displaced public drunkenness arrests with charges like disorderly conduct and other liquor law violations and drunken driving.

- In general, arrests for Part II offenses in Detroit have remained relatively stable in terms of increases.

Description of Arrest Data

The data used in this study were taken from a computer printout of all suspects within prescribed age groups, 55 to 59, 60 to 64, and 65 plus, arrested during 1981, in the City of Detroit. The computer printouts provided the following case information for each arrested suspect:

- Date of offense
- Type of crime by UCR classification code
- Suspect's name and address
- Case disposition, i.e., dismissed, suspended sentence, fine or imprisonment, etc.
- Suspect's sex
- Suspect's date of birth
- Case disposition date

Sample Population

The first sample consists of all those persons aged 55 plus (N = 571) arrested for Part I offenses in the City of Detroit for the year 1981 within the

TABLE 1

PROPORTION OF ALL MICHIGAN ARRESTS
MADE IN DETROIT, 1981
PART I CRIMES
AGE 55+

	MICHIGAN	DETROIT	% OF TOTAL
Total Arrests	2,904	519	17.9
Offense Categories:			
Criminal Homicide	37	23	62.2
Rape	65	34	52.3
Robbery	43	11	25.6
Aggravated Assault	424	156	36.8
Burglary	350	22	6.3
Larceny	1,868	262	14.0
Motor Vehicle Theft	74	3	4.0
Arson	43	8	18.6
Violent Crime[1]	569	224	39.4
Property Crime[2]	2,335	295	12.6

SOURCE: U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, 1981.

1. Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.
2. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

TABLE 1 --Continued

PART II CRIMES - AGE 55+ - DETROIT, 1981

	MICHIGAN	DETROIT	% OF TOTAL
Total Arrests	10,791	1,340	12.4
Offense Categories:			
Other Assaults	289	45	15.6
Forgery and Counterfeiting	53	10	18.9
Fraud	176	16	9.1
Embezzlement	15	-	0.0
Stolen Property	119	38	31.9
Vandalism	195	14	7.2
Weapons	297	129	43.4
Prostitution/Commercialized Vice	94	64	33.0
Sex Offenses (Except Rape/Prostitution)	93	9	9.7
Drug Abuse Viol.	363	56	15.4
Gambling	156	19	12.2
Offenses Against Family/Children	59	0	0.0
Drunk Driving	4,297	386	9.0
Liquor Laws	1,346	7	.5
Drunkenness	44	0	0.0
Disorderly Conduct	729	65	8.9
Vagrancy	13	1	7.7
All Other Offenses (Except Traffic)	2,453	481	19.6
Total Arrests - Part I and II Offenses	13,695	1,859	13.6

SOURCE: U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, 1981.

TABLE 2

RESIDENT POPULATION OF DETROIT AND MICHIGAN
AGE 55+: CENSUS 1980
(IN THOUSANDS)

AGE GROUP	DETROIT 1980	DETROIT % of total Michigan pop.	MICHIGAN 1980
Total population	1,203	13.0	9,258
55-59	64	13.6	471
60-64	58	14.8	393
65-over	140	15.4	912
Total pop. 55+	262	14.8	1,776
55+ % of total population	22.1		19.2

SOURCE: Bureau of Census, 1980 Census of Population, Supplementary Reports, (Washington, D.C.: 1981), P.C. 80-S1-1; Southeast Michigan Council of Governments, 1980 Census (STF1) Community Profile For Detroit.

TABLE 3

TOTAL ARRESTS - PART I CRIMES
DETROIT, MICHIGAN
AGE 55+

	1972 ARRESTS 55+	1981 ARRESTS 55+	INCREASE/DECREASE #	%
Total Arrests	165	519	+354	+ 214.5
Offense Categories:				
Criminal Homicide	24	23	- 1	- 4.2
Rape	3	34	+ 31	+1,033.3
Robbery	2	11	+ 9	+ 450.0
Aggravated Assault	33	156	+123	+ 372.7
Burglary	4	22	+ 18	+ 450.0
Larceny	95	262	+167	+ 175.8
Motor Vehicle Theft	2	3	+ 1	+ 50.0
Arson	2	8	+ 6	+ 300.0
Violent Crime[1]	62	224	+162	+ 261.3
Property Crime[2]	103	295	+192	+ 186.4

SOURCE: U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, 1972 and 1981.

1. Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.
2. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

TABLE 3 --Continued

PART II CRIMES - AGE 55+ - DETROIT

	1972 ARRESTS 55+	1981 ARRESTS 55+	INCREASE/DECREASE #	INCREASE/DECREASE %
Total Arrests	2,842	1,340	-1,502	- 52.9
Offense Categories:				
Other Assaults	51	45	- 6	- 11.8
Forgery and Counterfeiting	1	10	+ 9	+900.0
Fraud	14	16	+ 6	+ 42.9
Embezzlement	0	0		
Stolen Property	6	38	+ 32	+533.3
Vandalism	17	14	- 3	- 17.7
Weapons	121	129	+ 8	+ 6.7
Prostitution/Commercialized Vice	71	64	- 7	- 9.9
Sex Offenses (Except Rape/Prostitution)	1	9	+ 8	+800.0
Drug Abuse Viol.	20	56	+ 36	+180.0
Gambling	91	19	- 72	- 79.1
Offenses Against Family/Children	9	0	- 9	0.0
Drunk Driving	450	386	- 64	- 14.2
Liquor Laws	158	7	- 151	- 95.6
Drunkenness	683	0	- 683	-100.0
Disorderly Conduct	31	65	+ 34	+109.7
Vagrancy	82	1	- 82	-100.0
All Other Offenses (Except Traffic)	1,036	481	- 585	- 56.5
Total Arrests - Part I and II Offenses	3,007	1,859	-1,148	- 38.2

SOURCE: U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, 1972 and 1981.

following age groups:

55 to 59	(younger elderly)	N = 274
60 to 64	(middle aged elderly)	N = 149
65 plus	(older elderly)	N = 148
	TOTAL	N = 571

Part I crime categories are those noted in the Uniform Crime Reports as follows:

- Murder and non-negligent manslaughter
- Forcible rape
- Robbery
- Aggravated assault
- Burglary
- Larceny-theft
- Motor vehicle theft
- Arson

This sample was selected for purposes of testing the hypothesis that the older elderly offenders age 65 plus are afforded lenient treatment in terms of the "decision to prosecute" when compared to younger elderly offenders. For purposes of the first test, leniency will be inferred by "case dismissal rates" after an arrest has been made, but prior to formal prosecution. This research assumption is based on the rationale that if one particular age group of offenders has a disproportionately higher dismissal rate than another age group for the same offense, it would suggest one group receives lenient or "preferential" treatment in prosecution over another.

A second sample consisting of all those persons aged 17 to 21, 35 to 44, and 55 plus arrested for the crimes of aggravated assault, larceny, and drunken driving during 1981 in the City of Detroit was selected. The total population N = 6,253 was then separated into groups by age and offense type. Using a random table of

digits, a probability sample of 60 offenders was selected from each of these age and offense groups. As a result of this procedure, a total sample of N = 540 was achieved.

The second sample population was selected for the following reasons. First, among the Detroit elderly, the crimes they are most likely to be arrested for are drunken driving, larceny, and aggravated assault, respectively. Therefore, an analysis of arrest outcomes for these offenser provides for (1) a larger population from which to select a sample, and (2) a means for comparing the severity of sanctions imposed for similar crimes among different age groups while controlling for race and sex. Second, these three offense categories are generally representative of the range of all offenses in that they include a violent crime, a property crime, and a crime (drunken driving) that has been the subject of a great deal of national concern in recent years.

Discussion: Variables

It should be noted that, both the police and prosecutor can significantly influence the eventual outcome of a criminal prosecution through the use of discretion. For example, after reviewing the facts and circumstances surrounding an arrest, police authorities can decide not to pursue prosecution, which results in the dismissal of charges. In those cases where the police pursue charges against the suspect, the prosecutor still retains the right to refuse to prosecute (for any number of reasons) which will result in case dismissal. Perhaps, at this point, some cautions on equating dismissal rates to leniency are in order.

First, some criminal charges are more difficult to prove than others, i.e., crimes observed by eye witnesses who are willing to testify in court are easier to prosecute than cases based on circumstantial evidence. Second, successful prosecution of assault charges requires the victim to pursue prosecution or the case will result in dismissal, in spite of the desires of the police or prosecu-

TABLE 4

TOTAL ARRESTS FOR SELECT OFFENSES
AND AGE GROUPS - 1981 - DETROIT

OFFENSE	17-21	35-44	55+	TOTAL
Aggravated Assault	701	516	200	1,417
Larceny	2,432	903	265	3,600
Drunken Driving	216	676	344	1,236
Total	3,349	2,095	809	6,253

SOURCE: Detroit Police Department, Information Systems Section, Detroit, Michigan.

tor. Third, cases involving weapons and drug possession are subject to the numerous constitutional protections concerning search and seizure which tend to increase dismissal rates. These types of prosecutions can be contrasted with the relative case in prosecuting certain alcohol related offenses. For example, suspected drunkan drivers in Michigan are required to submit to a chemical test to determine whether they are legally able to drive. Refusal to submit voluntarily to the test is prima facie evidence of guilt in a court of law. Those persons who do voluntarily submit to the chemical test, subject themselves to the use of the test findings as evidence in subsequent criminal prosecution.

In general, several factors including the type of offense, willingness of victims and witnesses to testify and pursue charges and factors affecting the admissability of evidence can affect dismissal rates. However, controlling for certain decision-making factors that influence dismissals and comparing rates of dismissal among various age groups for similar crimes should indicate whether particular groups tend to receive more lenient treatment (absence of prosecution) than others. Certainly, a crime victim who is unwilling to prosecute his/her assailant is not an indicator of leniency on the part of the police or prosecutor. Therefore, standardized criteria for defining dismissal are essential. For purposes of this investigation, "dismissal rates" for the various offenses and offender age groups will be calculated using the following criteria:

- Only those cases having the following notations as dispositions will be used in calculating dismissal rates.

    1. dismissed
    2. dismissed by prosecution
    3. cause unknown, felony
    4. cause unknown, misdemeanor

- Note: Detroit Police Department officials specify "dismissal" which usually means the charges were dropped prior to presenting the case to the prosecutor. Typical circumstances for such action include insufficient evidence, improper search, lack of witnesses, etc. "Dismissed by prosecution" gen-

erally refers to dismissal of charges after the prosecutor reviews the case but prior to requesting a warrant from the judge. "Cause unknown, felony, misdemeanor" simply means the case was dismissed prior to prosecution for unknown reasons.

- Those cases having the following notations as dispositions were not used in calculating the dismissal rate.

    1. diversion
    2. warrant refused
    3. not guilty
    4. arraignment
    5. fine and imprisonment
    6. probation
    7. fine only, suspended sentence, etc.
    8. complainant refused to prosecute (CRPT)

- Note: Although some persons feel pretrial diversion is a form of leniency, it was not classified as such in this study because of (1) its limited use in Detroit and (2) it is not viewed as a total dismissal of the charges against the suspect. The category "warrant refused" was not included because it did not reflect leniency on the part of police or the prosecutor but rather a "judicial decision." The primary focus here is on police and prosecutorial leniency. The remaining dispositions (arraignment, fine, probation, etc.) indicate prosecution was pursued. therefore, at least at this stage of processing, leniency was not a factor. Cases dismissed because the complainant refused to prosecute were not included in the dismissal rate because they do not reflect leniency on the part of the police or prosecutor, but rather the victim's decision not to pursue charges.

Procedures

The procedures used for testing leniency as determined by "dismissal rates" were accomplished through the completion of the following steps. A complete list of all persons aged 55 to 59, 60 to 64, and 65 plus arrested for Part I offenses in the City of Detroit for 1981 was obtained. The age groups were selected to provide a means of assessing the effect age has on the decision to pursue criminal prosecution once an arrest has been made. The 55 to 59 age group represents the younger elderly offender, 60 to 64 the middle aged elderly offender, and 55 plus, the older elderly offender. All of the offender age groups were broken down by race, sex, and offense to determine whether these variables

affected dismissal rates.

The selection of all Part I offenses and only those persons arrested in Detroit for analysis provides several advantages. First, it allows for examination of dismissal rates across a broad range of property and violent crimes. Second, the sample size (N = 571) was large enough and sufficiently distributed by age and offense type to provide a sufficient sample for analysis. Third, limiting the sample to only those persons arrested within "Detroit" provides a consistent base for determining patterns of dismissal rates as all suspects would have been prosecuted through the same court jurisdiction.

Mode of Analysis

The data required for calculating the mean dismissal rate for each aged offender population was hand-tabulated from the computer printouts of arrested suspects. This procedure produced the following mean dismissal rates:

- Overall dismissal rate, all ages, all offenses
- Overall dismissal rate, all ages by crime
- Dismissal rate, by age group, sex, race, and offense type

Analysis of Dismissal Rates:

Stratified Elderly Offender Population

The analysis of the elderly offender population began with some general observations about the composition of the sample. The total number of elderly (aged 55 plus) living in Detroit is slightly over 263,000 persons or 22 percent of the total population. Racially, the elderly population is composed of 54 percent white and 6[illegible] percent blacks. Females make up 57 percent of the elderly population and males represent 43 percent. Among the 571 elderly offenders arrested for Part I crimes in Detroit for 1981, blacks were arrested in disproportionate numbers in terms of their numbers in the population. Blacks, N = 420, accounted for 73.6 percent of all the elderly arrested while whites, N = 151, accounted for 26.4 percent of the arrests. Controlling for sex, the males, N = 447, account

for 78.3 percent of the total arrests while females, N = 124, represent 21.1 percent of the total. In terms of general offense categories, males account for 92.4 percent of all arrests for violent crimes while females accounted for 7.6 percent of the arrests. Arrests for property offenses reveal the male elderly comprise 64.6 percent of the total arrests as compared to 35.4 percent for the females. Although blacks make up only 46 percent of the total elderly Detroit population, they do account for 73.6 percent of all arrests for Part I crimes. However, socio-economic data on the arrested suspects were not available on the arrest records. Therefore, the disproportionate representation of the black elderly in the arrest sample may be attributable to their having a disproportionate share of the extremely low income elderly. An examination of arrests for property crimes among the elderly, i.e., larceny and other economic crimes, again shows that 64.6 percent of the arrested elderly are black and 35.4 percent are white.

Table 5 provides comparison data on dismissal rates among a stratified elderly offender population, i.e., age 55 to 59, 60 to 64, and 65 and above. The dismissal rate for those persons aged 55 to 59 is slightly higher (56.9 percent) than the rate for the 65 plus age group (56.1 percent) for all Part I offenses. Comparing rates for all three age groups, dismissal rates are lower for both the 60 to 64 and 65 plus groups when compared to the group 55 to 59. Making similar comparisons for violent crimes, all of the dismissal rates are high (average 69.1 percent) and fairly consistent among the age groups. Rates are slightly lower (68.7 percent) for the group 55 to 59 and slightly higher (69.9 percent and 69.7 percent) for the groups 60 to 64 and 65 plus.

Dismissal rates for property crimes are significantly lower than the rates for violent crimes, i.e., 43.1 percent for the former and 69.1 percent for the latter. Among elderly age groups, the 55 to 59 group had the highest dismissal rates (45.3 percent) and the 60 to 64 group (40.8 percent) had the lowest.

Table 6 provides data on the distribution of elderly arrests (Part I crimes) by race and sex. Tables 7, 8, and 9 provide data on dismissal rates by age group, race, sex, and offense categories. Controlling for age, sex, and race within the stratified elderly offender sample reveals some interesting patterns in dismissal rates. Rates for black males for all Part I crimes remain fairly consistent with advancing age. However, for white males, advancing age equates to higher dismissal rates. White males age 55 plus had a mean dismissal rate of 46.9 percent compared to a rate of 71 percent for white males age 65 plus (see Table 5). Among black females, the exact opposite pattern emerges. Black females aged 55 to 59 have a higher dismissal rate (67.5 percent) than those aged 65 plus (50 percent). A similar pattern of high dismissal rates for the younger elderly and lower rates for the older elderly appears for white females. White females aged 55 to 59 had their cases dismissed 80 percent of the time as compared with a dismissal rate of only 26.7 percent for the group 65 plus. A closer examination of offense patterns among white females reveals the majority of Part I crimes within the group are property offenses--primarily larceny. The exact opposite pattern appears for white males charged with property offenses. For example, white males aged 55 to 59 have a dismissal rate of 30.4 percent while those aged 65 plus have a rate of 68.8 percent.

Generally, dismissal rates among the stratified elderly offender sample for all Part I offenses suggest the younger elderly, 55 to 59, have a higher dismissal rate than the older elderly, 65 plus. However, rates of dismissal for violent crimes among the elderly groups remain fairly stable--at a high rate. Dismissal rates for property offenses tend to decrease with advancing age. Overall, the decrease is slight, from 45.3 percent for ages 55 to 59 to 45.1 percent for those persons over age 65. Factors such as race and sex appear to play a major role in case dismissals controlling for advancing age. However, the patterns of dismissals are not consistent. For example, rates of case dismissals

TABLE 5

PERCENTAGE DISMISSAL RATE AGES 55-59, 60-64, AND 65+
CITY OF DETROIT - 1981
(PART I OFFENSES)
N-571

		55+	55-59	60-64	65+
All crimes	BM	58.3	53.3	64.4	57.9
	WM	52.6	46.9	45.5	71.0
	BF	55.2	67.5	35.0	50.0
	WF	40.5	80.0	44.4	26.7
Mean % rate		55.5	56.9	55.0	56.1
Violent crimes[1]	BM	70.9	66.7	79.6	69.6
	WM	60.0	61.5	46.2	68.8
	BF	75.0	100.0	20.0	66.7
	WF	100.0	100.0	100.0	100.0
Mean % rate		69.1	68.7	69.9	69.7
Property crimes[2]	BM	39.9	39.4	39.4	41.4
	WM	45.8	30.4	45.0	68.8
	BF	49.3	55.2	40.0	47.9
	WF	40.5	78.5	37.5	21.4
Mean % rate		43.1	45.3	40.8	45.1

[1]Violent crimes include murder, rape, robbery, and aggravated assault.
[2]Property crimes include burglary, larceny, motor vehicle theft, and arson.

TABLE 6

DISTRIBUTION OF ELDERLY ARRESTS BY AGE AND SEX
CITY OF DETROIT - 1981
(PART I CRIMES)
N-571

		55-59	60-64	65+
All crimes	BM	170	87	76
	WM	49	33	31
	BF	40	20	26
	WF	15	9	15
Total		274	149	148
Violent crimes[1]	BM	99	54	46
	WM	26	13	16
	BF	11	5	3
	WF	1	1	1
Total		137	73	66
Property crimes[2]	BM	71	33	29
	WM	23	20	16
	BF	29	15	23
	WF	14	8	14
Total		137	76	82

[1]Violent crimes include murder, rape, robbery, and aggravated assault.
[2]Property crimes include burglary, larceny, motor vehicle theft, and arson.

increase slightly from 39.4 percent, ages 55 to 59, to 41.4 percent, ages 65 plus. White males' rates increase dramatically with advancing age. Black females and white females both have higher rates of dismissal, ages 55 to 59, and significantly lower rates at ages 65 plus.

Based on the analysis of dismissal rates among the stratified elderly offender population, the following observations are made:

1. There is some evidence that suggests that dismissal rates tend to increase with advancing age with the elderly offender population.

2. However, the increases appear to be linked more to the race and sex of the offender rather than specifically to age.

3. Patterns of dismissal among black males tend to remain fairly consistent. White male case dismissals increase substantially with age. Rates of dismissal for both black and white females decrease with advancing age.

The selection of the second sample was designed to provide a more detailed analysis of criminal offenders arrested during 1981 in the City of Detroit. The selection procedures outlined previously produced a sample of 540 subjects of whom 70.4 percent (N = 380) were black and 29.6 percent (N = 160) were white. Males accounted for 85.2 percent (N = 460) of the sample while females represented 14.8 percent (N = 80). Each of the three age groups, i.e., 17 to 21, 35 to 44, and 55 plus, consisted of 180 subjects. The sample was broken down further so each age group consisted of 60 offenders arrested for the crimes of aggravated assault, drunken driving, and larceny. All of the arrested subjects had been arrested in the City of Detroit in 1981 and were prosecuted in the same court jurisdiction.

The primary question addressed here is whether the elderly offenders are convicted and sentenced to jail less often when compared to younger offenders. For purposes of this study, leniency will be inferred if the conviction rate and the percentage of elderly persons sentenced to jail is significantly less when compared to younger offenders charged with the same offense.

TABLE 7

MEAN DISMISSAL RATE AGES 55-59
CITY OF DETROIT - 1981
(PART I CRIMES)
N-274

		ARRESTS	DISMISSALS	%
All crimes	BM	170	94	55.3
	WM	49	23	46.9
	BF	40	27	67.5
	WF	15	12	80.0
Total		274	156	56.9
Violent crimes[1]	BM	99	66	66.7
	WM	26	16	61.5
	BF	11	11	100.0
	WF	1	1	100.0
Total		137	94	68.7
Property crimes[2]	BM	71	28	39.4
	WM	23	7	30.4
	BF	29	16	55.2
	WF	14	11	78.5
Total		137	62	45.3

[1]Violent crimes include murder, rape, robbery, and aggravated assault.
[2]Property crimes include burglary, larceny, motor vehicle theft, and arson.

TABLE 8

MEAN DISMISSAL RATE AGES 60-64
CITY OF DETROIT - 1981
(PART I CRIMES)
N-149

		ARRESTS	DISMISSALS	%
All crimes	BM	87	56	64.4
	WM	33	15	45.5
	BF	20	7	35.0
	WF	9	4	44.4
Total		149	82	55.0
Violent crimes[1]	BM	54	43	79.6
	WM	13	6	46.2
	BF	5	1	20.0
	WF	1	1	100.0
Total		73	51	69.9
Property crimes[2]	BM	33	13	39.4
	WM	20	9	45.0
	BF	15	6	40.0
	WF	8	3	37.5
Total		76	31	40.8

[1]Violent crimes include murder, rape, robbery, and aggravated assault.
[2]Property crimes include burglary, larceny, motor vehicle theft, and arson.

TABLE 9

MEAN DISMISSAL RATE AGES 65+
CITY OF DETROIT - 1981
(PART I CRIMES)
N-148

		ARRESTS	DISMISSALS	%
All crimes	BM	76	44	57.9
	WM	31	22	71.0
	BF	26	13	50.0
	WF	15	4	26.7
Total		148	83	56.1
Violent crimes[1]	BM	46	32	69.6
	WM	16	11	68.8
	BF	3	2	66.7
	WF	1	1	100.0
Total		66	46	69.7
Property crimes[2]	BM	29	12	41.4
	WM	16	11	68.8
	BF	23	11	47.9
	WF	14	3	21.4
Total		82	37	30.3

[1]Violent crimes include murder, rape, robbery, and aggravated assault.
[2]Property crimes include burglary, larceny, motor vehicle theft, and arson.

Conviction Rates

Table 10 provides data on conviction rates and sentence dispositions among the sample population of Detroit offenders. The data contained in the table provide the following information:

- The conviction rate for the entire sample population
- The conviction rate for specific age groups within the sample population
- The conviction rate for specific age groups and offense categories

Overall, the conviction rate for the entire sample (N = 540) was 43.7 percent. Among the 236 convicted offenders, 55.5 percent received jail or prison sentences while 44.5 percent were sentencted to pay a fine and/or placed on probation (see Table 10). Conviction rates for specific offense categories produced some very interesting findings. These findings are as follows:

- Persons charged with drunken driving were convicted at the highest rate overall, 82.2 percent as compared to 35 percent for larceny and 11.7 percent for aggravated assault.
- In terms of sentences imposed, again convicted drunken drivers were sentenced to jail time 50.6 percent of the time as compared to those convicted of larceny 15.6 percent and assault 6.7 percent.

In general, these data strongly suggest that among the sample population, persons arrested for drunken driving have a much higher probability of being convicted and sentenced to jail than persons arrested for assualtive and property crimes. This finding may have special significance for the elderly offender group in general. Nation-wide, a significant percentage of <u>all</u> elderly arrests are for drunken driving. In Michigan alone for 1981, almost 4,300 elderly were arrested and charged with drunken driving. Among the Detroit elderly, 25.9 percent of all arrests for this age group were for drunken driving. These data, coupled with the fact that the elderly are more likely than younger persons to be repeat offenders, may result in higher percentages being sentenced to

jail. The data on conviction rates by age (see Table 10) support this theory. Among the elderly sample aged 55 plus arrested for drunken driving, 95 percent convicted with 55 percent of those persons sentenced to jail terms. This is contrasted with a conviction rate of 76.7 percent for the 35 to 44 year olds and a rate of 75 percent for the younger aged offenders. Arrests for larceny, again show the elderly to be convicted at a higher rate, 50 percent, as compared to 35 percent for 17 to 21 year olds and 26.7 percent for persons aged 35 to 44. The crime of aggravated assault shows the 35 to 44 group with the highest conviction rate, 16.7 percent, with the 55 plus group at 15 percent and the 17 to 21 year olds at 11.7 percent.

Summary:

Dismissal Rates/Sentencing Outcomes

The examination of dismissal rates among a stratified elderly offender sample, i.e., 55 to 59, 60 to 64, and 65 plus, show dismissal rates tend to decrease with advancing age. For example, dismissal rates for those persons aged 55 to 59 is slightly higher (56.9 percent) than the rate for the 65 plus age group (56.1 percent) for all Part I offenses. Comparing rates for all three age groups, dismissal rates are lower for both the 60 to 64 and 65 plus groups when compared to the group 55 to 59.

Controlling for age, sex, and race within a stratified elderly sample reveals more specific trends in dismissal rates. Rates for black males for all Part I crimes remain fairly consistent with advancing age. However, among white males, advancing age clearly equates to higher dismissal rates. White males age 55 plus had a mean dismissal rate of 52.6 percent compared with a rate of 71 percent for white males age 65 plus (see Table 5). Among black and white females the exact opposite pattern emerges. Black females aged 55 to 59 have higher dismissal rates (67.5 percent) than those aged 65 plus (50 percent). Among the white female elderly, the group 55 to 59 had their cases dismissed 80 percent of the time com-

pared to the very low rate of 26.7 percent for the group 65 plus (see Table 5).

Perhaps the most plausible explanation for the disparity in dismissal rates between older males and females 65 plus can be found in an analysis of arrest categories. For example, 90.2 percent of all the females arrested for property crimes were age 65 plus. Conversely, only 9.7 percent of their arrests were for violent offenses. As reported in an earlier paper, overall dismissal rates for violent offenses were substantially higher (60.2 percent) as compared to the rates for property offenses (49.5 percent) (Bachand, 1984a). Therefore, at least a portion of the dismissal rate disparity between older males and females may be linked to females committing a higher percentage of property crimes which have a higher probability of resulting in prosecution. However, this example does not serve as an adequate explanation for dismissal disparities between older black and white male offenders. Although older (65 plus) black and white males have similar dismissal rates for violent crimes, 69.6 percent and 68.8 percent respectively, their dismissal rates for property offenses differ drastically. Older black males have a dismissal rate of 41.4 percent for property crimes as compared to 68.8 percent for older white males.

One pattern that remains consistent is that the elderly are arrested more often for offenses (property crimes) that have a higher probability of prosecution than do crimes of violence. This factor becomes very apparent in the analysis of conviction rates among the sample population.

An examination of conviction rates among the sample population of Detroit offenders (1981) clearly indicates that the elderly are convicted at a higher rate than younger offenders charged with the crimes of drunken driving and larceny. The sample of elderly persons charged with drunken driving were convicted 95 percent of the time and 55 percent of those convicted were sentenced to jail. This conviction rate was nearly 20 percent higher than those persons 17 to 21 and 35 to 44 charged with the same offense. Arrests and convictions of the elderly

offender sample for larceny resulted in similar findings. The 35 to 44 age group were convicted at a rate of 26.7 percent as compared to a rate of 35 percent among 17 to 21 year olds and 50 percent for the elderly group. For the crime of aggravated assault, the elderly group were convicted at a slightly lower rate (15.0 percent) than the 35 to 44 age group (16.7 percent) but at a higher rate than the 17 to 21 year olds (3.4 percent) (see Table 10).

The data presented in this paper suggest that the offenses perpetrated most often by the elderly criminal population tend to be the types of crimes that yield the highest conviction rate, i.e., property offenses and drunken driving. Therefore, we might conclude that although some leniency is afforded the elderly population in pre-arrest situations, continued involvement in crime by the elderly will eventually result in formal prosecution, which will yield a fairly high probability of conviction--and yes, the possibility of being incarcerated in jail or prison.

TABLE 10

CONVICTION RATES AND SENTENCE DISPOSITIONS BY AGE GROUP
SAMPLE ARRESTED OFFENDER POPULATION
CITY OF DETROIT-1981
N-540[1]

AGE GROUP	OFFENSE CATEGORY								
	AGGRAVATED ASSAULT			DRUNKEN DRIVING			LARCENY		
	Fine/ Prob.	Jail/ Prison	Total Conv.	Fine/ Prob.	Jail/ Prison	Total Conv.	Fine/ Prob.	Jail/ Prison	Total Conv.
Entire Population 3 Age Groups N-540	9	12	21	57	91	148	39	28	67
% of Sample	5.0	6.7	11.7	31.7	50.6	82.2	21.7	15.6	37.2
17-21 N-180	1	1	2	17	28	45	10	11	21
% of Sample	1.7	1.7	3.4	28.3	46.7	75.0	16.7	18.3	35.0
35-44 N-180	4	6	10	16	30	46	8	8	16
% of Sample	6.7	10.0	16.7	26.7	50.0	76.7	13.3	13.3	26.7
55+ N-180	4	5	9	24	33	57	21	9	30
% of Sample	6.7	8.3	15.0	40.0	55.0	95.0	35.0	15.0	50.0

[1]The sample arrested offender populations consists of 540 randomly selected subjects drawn from Detroit Police Department arrest records for the year 1981. Each of the 3 age groups consists of 180 subjects, 60 subjects per age group per crime category.

TABLE 10 -Continued

SUMMARY OF CONVICTED SAMPLE
N-236[2]

	FINE/PROBATION	JAIL OR PRISON	TOTAL CONVICTED
Entire Population			
3 Age Groups			
N-540	105	131	236
% of Total Sample			
N-540	44.5	55.5	43.7
17-21 N-68	28	40	68
% of Sample N-180	41.2	58.8	37.8
35-44 N-72	28	44	72
% of Sample N-180	38.9	61.1	40.0
55+ N-96	49	47	96
% of Sample N-180	51.0	49.0	53.3

[2]N-236 refers to the total number of convicted persons from the arrested offender sample of 540.

ENDNOTES

[1]Bachand, Donald J. (1984a) "The Elderly Offender: An Exploratory Study With Implications for Continuing Education of Law Enforcement Personnel." Ph.D. Dissertation, University of Michigan, 1984.

[2]Bachand, Donald J. (1984b) "Increased Criminal Behavior by the Elderly: Concerns for the Justice System." Paper presented at the American Society of Criminology 1984 Annual Meeting, Cincinnati, Ohio, 7 November 1984.

[3]Bureau of Census, 1980 Census of Population, Supplementary Reports. Washington, D.C.: 1981, P.C. 80-51-1; Southeast Michigan Council of Governments, 1980 Census (STFI) Community Profile for Detroit.

[4]Fienburg, Gary. "White Haired Offenders: An Emergent Social Problem." Paper presented at the 1982 meeting of the Gerontological Society of America, Boston, Massachusetts, November 1982.

[5]Newman, Evelyn S., Newman, Donald J. and Gewirtz. Elderly Criminals. (Boston, Massachusetts: Oelgeschlager, Gunn, and Hain, Inc., 1984).

[6]Schichor, David and Kobrin, Solomon. "Note: Criminal Behavior Among the Elderly," Gerontologist, 18 April 1978, pp. 213-218.

[7]U. S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, 1972 and 1981.